

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 13

Thursday, February 3, 2005

Thirteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 3, 2005 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

PRESENT - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Winfield.

ABSENT – 6: Representatives Carter, DeSimone, Ginaitt, Rose, Smith, Williamson.

INVOCATION

The Honorable Speaker presents Representative Naughton who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, February 2, 2005 is approved as printed.

NEW BUSINESS

House Bill No. 5313**BY** Lally**ENTITLED**, AN ACT RELATING TO LABOR ARBITRATION OF MUNICIPAL EMPLOYEES DISPUTES {LC971/1}

02/03/2005 Introduced, referred to House Labor

House Bill No. 5314**BY** Laroche, Brien T, Faria, Menard, Winfield**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY ACT {LC1167/1}

02/03/2005 Introduced, referred to House Labor

House Bill No. 5315**BY** Corvese, Lima, McNamara, Gallison**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PUBLIC ACCOUNTANCY {LC1154/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5316**BY** O'Neill, Kilmartin, Church, Pacheco, Sullivan**ENTITLED**, AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION -- CLEANUP COSTS INCURRED**BY THE NEW ENGLAND GAS COMPANY** {LC1271/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5317**BY** Picard**ENTITLED**, AN ACT RELATING TO INSURANCE {LC1162/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5318**BY** Shanley, Kilmartin**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS {LC894/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5319**BY** Jacquard, San Bento, Schadone, Gemma, Picard**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- DECEPTIVE TRADE PRACTICES {LC627/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5320**BY** Jacquard, San Bento, Schadone, Gemma, Picard**ENTITLED**, AN ACT RELATING TO BANKING AND INSURANCE CONSUMER PROTECTION {LC1175/1}

02/03/2005 Introduced, referred to House Corporations

House Bill No. 5321**BY** Sullivan, O'Neill, McNamara, Slater, Williams**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM {LC1125/1}

02/03/2005 Introduced, referred to House H.E.W.

House Bill No. 5322**BY** Lima**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- MILK CONTENT {LC844/1}

02/03/2005 Introduced, referred to House H.E.W.

House Bill No. 5323**BY** Jacquard, San Bento, Schadone, Gemma**ENTITLED**, AN ACT RELATING TO EDUCATION {LC626/1}

02/03/2005 Introduced, referred to House H.E.W.

House Bill No. 5324**BY** Jacquard, San Bento, Schadone, Gemma**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY {LC624/1}

02/03/2005 Introduced, referred to House H.E.W.

House Bill No. 5325**BY** Jacquard, San Bento, Schadone, Gemma, Picard**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORMED CONTROLLED SUBSTANCES ACT {LC629/1}

02/03/2005 Introduced, referred to House Judiciary

House Bill No. 5326**BY** Church, Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JUDGMENTS, ORDERS, AND DECREES {LC870/1}

02/03/2005 Introduced, referred to House Judiciary

House Bill No. 5327**BY** Lally**ENTITLED**, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT {LC1262/1}

02/03/2005 Introduced, referred to House Judiciary

House Resolution No. 5328**BY** Gorham, Singleton, Mumford, Savage, Long**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (GOVERNOR AND LIEUTENANT GOVERNOR TO APPEAR TOGETHER ON THE BALLOT) {LC1165/1}

02/03/2005 Introduced, referred to House Judiciary

House Bill No. 5329**BY** Lally**ENTITLED**, AN ACT RELATING TO ASSESSMENT OF LOCAL TAXES -- HOMESTEAD {LC1265/1}

02/03/2005 Introduced, referred to House Finance

House Bill No. 5330**BY** Naughton, Ginaitt, Coderre E, McNamara, Crowley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CARBON FUEL REDUCTION AND AIR POLLUTION CONTROL ACT {LC1069/1}

02/03/2005 Introduced, referred to House Finance

House Bill No. 5331**BY** Naughton, Ginaitt, Coderre E, McNamara, Crowley**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- AIR POLLUTION {LC1070/1}

02/03/2005 Introduced, referred to House Finance

House Bill No. 5332 (Lieutenant Governor)**BY** Sullivan, Anguilla, Slater, Williams, Landroche**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE ELDERLY PROTECTION ACT OF 2005 {LC1058/1}

02/03/2005 Introduced, referred to House Finance

House Bill No. 5333**BY** Kilmartin, Moran**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS {LC1389/1}

02/03/2005 Introduced, referred to House Judiciary

House Resolution No. 5334**BY** Gallison, Anguilla**ENTITLED**, HOUSE RESOLUTION CONGRATULATING CUB SCOUT PACK 6 OF BRISTOL, RHODE ISLAND ON THE OCCASION OF THE CLUB'S 51ST ANNIVERSARY {LC1454/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Anguilla, and Malik and by unanimous consent, on a voice vote.

House Resolution No. 5335

BY Church, Pacheco, Brien T, Laroche, Picard

ENTITLED, HOUSE RESOLUTION HONORING LIEUTENANT GOVERNOR CHARLES FOGARTY ON THE OCCASION OF HIS BEING NAMED THE 2005 NORTHERN RHODE ISLAND CHAMBER OF COMMERCE ANNUAL BARBARA C. BURLINGAME DISTINGUISHED PUBLIC SERVICE AWARD WINNER {LC1580/1}

Representative Church requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Church seconded by Representatives Picard, McNamara, Pacheco, Gemma, Sullivan, Corvese, Savage, Shanley and several other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 5336

BY Lima, Ajello, Naughton, Diaz, Dennigan

ENTITLED, HOUSE RESOLUTION PROCLAIMING FRIDAY, FEBRUARY 4, 2005 AS "RHODE ISLAND GOES RED FOR WOMEN DAY" {LC1314/1}

Representative Lima requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lima seconded by Representatives Naughton, Moura, and several other members of the House and by unanimous consent, on a voice vote.

House Bill No. 5337

BY Corvese, Costantino

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1326/1}

Representative Corvese requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Corvese seconded by Representatives Watson, Fox, and Gallison on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Brien, Caprio, Church, Corvese, Costantino, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Fox, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Shanley, Singleton, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (05-H 5337) on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

House Resolution No. 5338

BY Almeida, Williams, Fox, Diaz, Slater

ENTITLED, HOUSE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN RHODE ISLAND {LC1322/1}

Representative Almeida requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Almeida seconded by Representatives Williams, Diaz, Brien, McCauley, Ucci, Rice, Faria, Picard and by unanimous consent, on a voice vote.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to the Honorable Secretary of State, forthwith.

ANNOUNCEMENTS

Representative Naughton announces that the Committee on Rules will meet today, at the rise of the House, in Room 205 of the State House.

Representative Moura congratulates Representative Elaine Coderre and her husband Ray on their wedding anniversary.

GUESTS

Representative Moura welcomes to the House Chamber as guests from the RI Sports Council, John Mousseau, executive director, and Kerry Emmons, director of events and operations. Also Representative Moura introduces Jill Baker, events manager of USA Taekwando.

Representative Sullivan welcomes to the House as a guest Katie Donahue, who has just returned home after more than a year in Baghdad, Iraq.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative McHugh, and as a further mark of respect to the memory of Vera Tarzwek; on motion of Representative Church, and as a further mark of respect to the memory of Henry E. O'Neil; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE EILEEN S. NAUGHTON

Lord, may it be Thy will, not our own, which governs our deliberations this day. Amen

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 8, 2005:

1 2005-H 5206

BY Long

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING
AMENDMENTS TO THE CHARTER OF THE TOWN OF
JAMESTOWN

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Thursday, February 3, 2005